

TEWKSBURY BOARD OF HEALTH

Minutes

February 20, 2014

Call of Meeting to Order

MOTION - Ms. Brothers made a motion to call the meeting to order at 7:08 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

The meeting was held at the Tewksbury Senior Center. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Christine Kinnon, Kathleen Brothers, Raymond Barry and Health Director Lou-Ann Clement. Also, in attendance was Maria Canning, UMass Lowell student, Tony Boschetti, and Karen Peters an interested resident.

New Business

Board of Health's Annual Report - 2013

Ms. Clement presented two documents. The first is the final quarterly report for 2013 and the other is the Annual Report. Ms. Brothers stated that Joseph Knight, who was a temporary member of the Board, should be listed. Mr. Barry asked if there should be a comparison with last year. Ms. Clement stated that she did present a comparison in a previous package but if they would like it again she can add it. Ms. Clement added that the Annual Report is a standard format for all town departments. Ms. Kinnon asked if the Lyme disease totals went up. Ms. Clement replied yes. Ms. Kinnon asked if the Town supplied Shingles vaccines. Ms. Clement replied yes, the State did a pilot program for people whose insurance did not cover this vaccine. This is a one time program. Mr. Barry asked if the Annual Report tracks trends. Ms. Clement replied no, the quarterly report does that comparison.

MOTION - Mr. Barry made a motion to accept the Annual Report for 2013 with the addition of Joseph Knight as a previous member of the Board. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

MOTION - Mr. Barry made a motion to accept the 2013 fourth quarter report as submitted. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

Approval of Minutes – November 7, 2013, November 21, 2013, December 5, 2013 and December 19, 2013

Ms. Clement stated that the Town Clerk has put together an official web page for minutes and agendas so a signature is no longer required. The minutes now require an "approved on" date. There is a link from our web page to the official web page. Mr. Barry stated that you can also sign up to receive notification of minutes.

Mr. French asked if there were any corrections.

11/7/13

Ms. Brothers stated that on page 5, under Tewksbury CARES, "Walsh" should be changed to "Welch".

11/21/13

Ms. Kinnon stated that on page 5, there is discussion about Weston and Sampson, this should be Ms. Clement stated, not Ms. Kinnon.

12/5/13

Ms. Kinnon stated that on page 2, at the bottom of the page, the walking club meets on Friday not Wednesday.

12/19/13

There were no corrections.

TEWKSBURY BOARD OF HEALTH

Minutes

February 20, 2014

MOTION - Ms. Brothers made a motion to approve the Board of Health minutes of November 7, 2013, November 21, 2013, December 5, 2013 and December 19, 2013 with corrections noted above. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Old Business

Tobacco Retailers Mandatory Training Result from January 28, 2014

Ms. Clement stated that the mandatory training for all tobacco retailers was held on January 28, 2013. Ron Beauregard submitted a list of who attended. There were two corrections to the list. Citgo/Concord Oil is closed and 7-11 was never invited. They have been invited to the second training session. A second notice has gone to those establishments that did not attend the first training and Mr. Beauregard has already received some responses. She has asked him to send out a final notice to the ones who have not responded. Ms. Clement added that the Route 38 Smoke Shop is one of the establishments that did not attend. The next training session will be held on February 25, 2014 at the Lowell Health Department. Ms. Clement stated that she will keep the Board updated.

Mr. Barry stated that this was a mandatory training but what happens if the establishments don't attend. Ms. Clement stated that they will be asked to come before the Board. Mr. Barry asked how many chances they get. Ms. Clement stated that she doesn't think we can fine them because it is not in the regulations. Ms. Clement stated that this should not be difficult to comply with because we are only asking for the manager to attend. Mr. Barry asked who issues the licenses for tobacco retailers. Ms. Clement replied the Board does. Ms. Clement added that she will have Mr. Beauregard to look into this. Ms. Clement stated that this training is only a couple of hours and has a lot of positive material. Mr. Barry stated that the two establishments that sold tobacco to minors were no shows. Mr. Roux added that Mr. Beauregard also offered in-house training.

Ms. Clement stated that the training session was prompted due to four establishments selling to minors during a Federal compliance check. Three out of the four establishments attended the training. They were Fresh Express, both Market Baskets and Tewksbury Mobil. Petroil at 365 Main Street was the fourth establishment and they did not attend. Ms. Clement stated that Mr. Beauregard will give her a list tomorrow of the establishments he has not heard from for the second training. Ms. Kinnon stated that CVS will not be selling tobacco. Ms. Clement stated that she will find out when they are going to stop selling tobacco.

Ms. Clement stated that she also heard from the Route 38 Smoke Shop and the owner has returned from vacation. She would like to schedule him to come in next month on March 20, 2014. Ms. Brothers asked what will happen at that meeting. Mr. French stated that we are going to get a status update. Ms. Clement stated that they did close for the three day period and the ID All program is still in place until the owner appears before the Board. Mr. Barry asked that another compliance check be done before they come before us.

Mr. French stated that he is already concerned that they did not attend the first mandatory training and if they don't go to the second training than it seems that they are not taking us seriously. There is still a four day suspension out there. Ms. Kinnon stated that if they do go to the second mandatory training and comply with the regulations that should also be taken into account. Ms. Kinnon asked if there was a certificate issued if the establishment attended the training. Ms. Clement replied she would have to check with Mr. Beauregard. Ms. Kinnon stated that if there isn't one, then we should come up with one. Ms. Clement stated that Mr. Beauregard was going to send out certificates to those establishments that have not sold to minors for three years but she will double check it.

Ms. Brothers stated that she read that Mr. Beauregard is going before the Dracut and Lowell Boards of Health to discuss banning tobacco. Ms. Clement stated that Dracut is part of our coalition and sometimes other communities ask for help or ideas from Mr. Beauregard.

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February 20, 2014

Proposed Tewksbury Board of Health Regulations Chapter 9: Grease Tank and Grease Trap Requirements for Food Establishments

Ms. Clement stated that last time, the Board directed her to send the draft to Town Counsel. She presented his comments and another draft. Town Counsel comments are as follows:

- Page 1, Section 9.5.2 – Town Counsel is still asking about if the five years applies to new establishments. Ms. Kinnon stated that if it is a new establishment, they have to go by the new regulations. This should be made clear.
- Section 9.3 – There were two definitions for POTW, so the definitions have been combined into one.
- Section 9.4.3 – Global change “tank” to “grease tank”. Ms. Kinnon stated that “and or” should be “and/or”.
- Section 9.5.1 – Town Counsel was asking for a clarification of renovation. Painting is not a renovation. This would mean a major renovation or a new establishment. A renovation would require a building permit and they would require approval from the Health Department. Ms. Clement stated that she would respond to Town Counsel.
- Section 9.5.2 – She will respond to Town Counsel. Ms. Kinnon stated that in section D; add “existing” before “food establishment”.
- Section 9.5.2 – Town Counsel subdivided this section into Subsections 9.5.2.1 and 9.5.2.2. Mr. Barry stated that “a” should be added before “100” and “1,000”. Ms. Clement stated that she will also capitalize Building Code. Ms. Clement stated that she will also be adding the standard language “within 5 years of adoption”.
- Section 9.5.3.2 – Ms. Kinnon asked what does this section mean. Ms. Clement stated that according to the Plumbing Code, the internal grease trap goes into the external grease tank and then into municipal sewer or septic. She will clarify this section.
- Section 9.5.3.3 – Mr. Barry stated that a space should be added after Title V.
- Section 9.5.3.4 – Mr. Barry stated that “tank” should be changed to “grease tank”.
- Section 9.5.3.18 – “External” should be lowercase.
- Section 9.7 – Town Counsel subdivided this section into Subsections 9.7.1 to 9.7.12
- Section 9.7.1 – Mr. Barry stated that “vision” should be changed to “version”.
- Section 9.12.3 – Mr. Barry asked who makes the determination. Ms. Clement stated that it should read “Upon the determination by the Agent”.
- Section 9.13 – This section has been renumbered and “set forth” has been removed.
- Section 9.16 – Town Counsel stated that damages may be difficult to collect what we should try to anyways. Mr. Barry asked what the cost to the Town is when there is a backup. Ms. Clement stated that the grease will back up in the sewer line and could back up into other properties. The Water/Sewer department has to go and pump out the grease from the line. Mr. Roux stated that the Town can follow the grease back to the establishment and then the Agent makes the determination of a violation. Town Counsel stated that it may be difficult to collect for damages. Mr. Barry stated that we should leave this because it gives us something to go after them.

TEWKSBURY BOARD OF HEALTH

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February 20, 2014

Ms. Clement stated that Town Counsel also stated that he has reviewed this as to form, not content.

Mr. French stated that the corrections should be made and then presented as a final document to approve. Mr. Barry and Mr. Roux should review before it is finalized.

Ms. Clement stated that she will make all changes, send the final copy to Mr. Roux and Mr. Barry for review and then bring it back to the Board at the next meeting as a final document for approval. Ms. Clement will respond to Town Counsel on his two comments after the final document is approved.

Mr. Barry stated that in Section 9.2.0, we should insert the date of March 20, 2014 as the effective date.

Board Member Reports

Tewksbury CARES

Ms. Kinnon stated that she met with Officer Welch, Ms. Clement, Mr. Barry and Mr. French to begin the discussions of reorganization and re-energizing Tewksbury CARES. Mr. French spoke with Jack Donahue and he has agreed to help move this along. Ms. Clement stated that she emailed the bylaws to Barbara Markey and Betty Dick and said that she would keep them in the loop.

Ms. Clement stated that Tewksbury CARES is an initiative of the Board of Health. There are only a couple of active members left. She and Officer Welch want to get this going with drug awareness and other issues. Ms. Clement stated that since there will be three members of the Board of Health, these meeting have to be posted and be an open meeting. Mr. French stated that Tewksbury CARES is a separate organization and has a separate 501C which can be beneficial.

Mr. Barry stated that they will be using the Health Fair to recruit members and get the information out. Ms. Clement stated that she would also like to talk with the Town Manager about setting up a separate Facebook and Twitter account.

MOTION - Mr. Barry made a motion that the Board of Health create a department Facebook and Twitter account to communicate with residents on the happenings of the Board of Health. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Other Business

Budget FY2015

Ms. Clement presented the Town Manager's budget. The only change was that her wage deferral was removed. Ms. Kinnon asked about reinstituting the 10% for the Board. Ms. Clement stated that when she was before the Finance Committee, one of the members asked why it could not be restored to the 2009 salary. Someone said the Board of Selectmen also took a cut but she could not find that in past budget reports. It would only be \$185 to restore the Board to pre-2009. They did not approve the \$4,000 for the program to screen for bladder cancers in Fire Fighters.

Mr. Barry stated that with the retirement of Captain Sitar, the Emergency Management goes to the Town Manager. Ms. Clement replied that according to information the Town Manager would be temporary and they are looking for a replacement. Ms. Brothers stated that she thought that the Fire Department usually handles those duties. Ms. Clement replied not always. In Billerica and Methuen, the Police Departments handle those duties.

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February 20, 2014

Cancer Report

Ms. Clement stated that she was asked at a previous meeting to look at the cancer report numbers and how the stats were collected. Ms. Clement stated that all Tewksbury residents that are diagnosed with cancer are collected in the Tewksbury counts. It doesn't matter where they are diagnosed it goes by where the person resides.

Announcements

Ms. Clement stated that the Annual Health Fair will be held on April 9, 2014 from 2:00 to 6:00 PM at the Senior Center. This will be held during the Health Week, which is about a month earlier than previously held.

Oliveria Farm and Envirotech Site Assignments

Ms. Clement stated that she met with the sister and daughter of Denis Oliveria and the application is almost ready. She would like to schedule this hearing for site assignment on April 3, 2014. This will be the first Thursday and it will be taped and video recorded. She is also scheduling a site assignment for Envirotech on March 20, 2014. Ms. Brothers asked that Brian Lagrasse attend the Oliveria hearing. Ms. Clement stated that she will also ask Pam Thomas to attend. Ms. Clement added that this will be a site assignment for the piggery and slaughter house.

108 Pike Street

Ms. Clement stated that she filed for a hearing at Housing Court for 108 Pike Street. She is scheduled for a hearing on February 28, 2014. She was notified that they have called for a plumbing inspection, which is the first step to connect to sewer.

MOTION - Ms. Kinnon made a motion to close the meeting and adjourn at 8:26 PM. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

Approved: March 20, 2014

*List of documents for 2/20/14 Agenda
Documents are located at the Board of Health Office*

New Business:

- Exhibit #1 Board of Health's Annual Report – 2013
- Exhibit # 11 2013 Quarterly Report

Approval of Minutes of:

- Exhibit # 2 November 7, 2013
- Exhibit # 3 November 21, 2013
- Exhibit #4 December 5, 2013
- Exhibit #5 December 19, 2013

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Old Business:

Exhibit #6 Tobacco Retailers Mandatory Training results from January 28th, 2014.

Exhibit #7 Proposed Tewksbury Board of Health Regulations Chapter 9: Grease Tank and Grease Trap Requirements for Food Establishments

Exhibit # 12 Healthy Communities Final Letter dated February 19, 2014 to Route 38 Smoke Shop

Exhibit # 8 Town Counsel review comment letter dated January 31, 2014 for Chapter 9 and

Exhibit # 9 Town Counsel Draft January 24, 2014 Tewks/Grease Trap Regulations for Food Establishments Final Draft.docx

Exhibit #10 Chapter 9 draft with Town Counsel comments dated February 11, 2014

Other Business:

Exhibit # 13 FY 2015 Budget Town Manager recommendations for salary

Exhibit #14 FT 2015 Budget Department Request for Salary